

Robert C. Christensen (State Bar No. 151296)  
Marsha L. Morrow (State Bar No. 71903)  
COLLIAU ELENIOUS MURPHY  
CARLUCCIO KEENER & MORROW  
555 Mission, Suite 330  
San Francisco, CA 94105  
Telephone: (415) 932-7000  
Facsimile: (415) 932-7001  
Email: robert.christensen@cna.com

Attorneys for Plaintiff  
VALLEY FORGE INSURANCE COMPANY and  
CONTINENTAL CASUALTY COMPANY

Raymond H. Sheen (State Bar No. 194598)  
JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94104  
Telephone: (415) 626-3939  
Facsimile: (415) 875-5700  
Email: rsheen@JonesDay.com

Attorneys for Defendant and Cross-Claimant  
ODYSSEY THERA, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

VALLEY FORGE INSURANCE  
COMPANY and CONTINENTAL  
CASUALTY COMPANY,

Plaintiffs,

v.

ODYSSEY THERA, INC.,

Defendant.

**CASE NO. C12-00227**

**AMENDED  
STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING BRIEFING  
AND HEARING SCHEDULE FOR  
CROSS-MOTIONS FOR SUMMARY  
JUDGMENT AS MODIFIED**

**~~DECLARATION OF RAYMOND H.  
SHEEN~~**

ODYSSEY THERA, INC.,

Cross-Claimant,

v.

VALLEY FORGE INSURANCE  
COMPANY, CONTINENTAL CASUALTY  
COMPANY, and SCOTTSDALE  
INSURANCE COMPANY,

Cross-Defendants.

Pursuant to Local Rules 6-1, 6-2 and 7-12 of this Court, Plaintiffs VALLEY FORGE INSURANCE COMPANY and CONTINENTAL CASUALTY COMPANY (collectively, “Plaintiffs”) and Defendant ODYSSEY THERA, INC. (“Odyssey”) hereby stipulate as follows:

1. On June 8, 2012, Plaintiffs filed a Summary Judgment Motion (“Plaintiffs’ Motion”) with a hearing date of July 27, 2012.
2. Odyssey’s Opposition to Plaintiffs’ Motion is due on June 22, 2012. Plaintiffs’ Reply re Plaintiffs’ Motion is due on June 29, 2012.
3. On June 11, 2012, the Court notified the parties that the hearing on Plaintiffs’ Motion was continued from July 27, 2012 to August 31, 2012, but the briefing schedule remained unchanged.
4. Odyssey intends to file a Cross-Motion for Partial Summary Judgment (“Odyssey’s Motion”) against Plaintiffs. As set forth in the attached Declaration of Raymond Sheen (“Sheen Declaration”), the issues raised in Odyssey’s Motion will overlap significantly with the issues raised in Plaintiffs’ Motion.
5. To streamline the briefing of the Cross-Motions, and reduce the overall number of briefs submitted to the Court, the Parties seek to extend and coordinate the briefing schedules and hearings for Plaintiffs’ Motion and Odyssey’s Motion for the reasons set forth in the Sheen Declaration.
6. The Parties believe that the requested time modification will not have any effect or impact on the schedule for the case or the hearing on the two motions. The parties do not seek to

1 extend the present hearing date of August 31, 2012.

2 THEREFORE the parties stipulate to and request the Court's approval of the following  
3 briefing and hearing schedule in connection with Plaintiffs' Motion and Odyssey's Motion:

4 Odyssey's Filing of Combined (a) Opposition July 20, 2012  
5 to Plaintiffs' Motion; and (b) Odyssey's  
6 Motion

7 Plaintiffs' Filing of Combined (a) Reply re August 3, 2012  
8 Plaintiffs' Motion; and (b) Opposition to  
9 Odyssey's Motion

10 Odyssey's Filing of Reply Brief re Odyssey's August 10, 2012  
11 Motion

12 Hearing on Plaintiffs' Motion and Odyssey's August 31, 2012  
13 Motion

14 **IT IS SO AGREED.**

15 Dated: June 12, 2012

COLLIAU ELENIOUS MURPHY  
CARLUCCIO KEENER & MORROW

16 By: /s/ Robert C. Christensen  
Robert C. Christensen

17 Attorneys for Plaintiffs  
18 VALLEY FORGE INSURANCE  
19 COMPANY and CONTINENTAL  
CASUALTY COMPANY

20 Dated: June 12, 2012

JONES DAY

21 By: /s/ Raymond H. Sheen  
22 Raymond H. Sheen

23 Attorneys for Defendant and Cross-Claimant  
24 ODYSSEY THERA, INC.

The case management conference is CONTINUED from August 31, 2012 to October 5, 2012 at 1:30 pm.  
June 22, 2012

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: June 13, 2012

27   
28 THE HONORABLE JEFFREY S. WHITE  
U.S. DISTRICT COURT JUDGE